

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

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MALIBU MEDIA, LLC, :
Plaintiff, : Case No. 5:16-cv-00371-FJS-DEP
: vs.
: JOHN DOE subscriber assigned IP address :
67.255.3.86, :
Defendant. :
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STATUS REPORT

This case was filed against a John Doe against the internet subscriber assigned the referenced IP address 67.255.3.86. The Defendant's name and address is not presently known to Plaintiff. On May 2, 2016, this Honorable Court granted Plaintiff leave to Serve a Third Party Subpoena on the Defendant's Internet Service Provider, Time Warner Cable [CM/ECF 6]. Plaintiff served the subpoena on the ISP via process server on or about May 16, 2016, and expected to receive the ISP's response by June 24, 2016. Due to a number of unexpected delays on the ISP's part, the response to the subpoena has not been received.

Undersigned has remained in constant communication regarding the overdue responses with the ISP and was assured that the response will be produced to Plaintiff by no later than September 23, 2016. From past experience Plaintiff's counsel informs the court Time Warner sends out a disk containing the subpoena response and then an invoice. Once payment is received and processed by Time Warner it releases to Plaintiff's counsel the password to access the information on the disk. Plaintiff's counsel pays all Time Warner invoices within one or two business days but it cannot control Time Warner's internal procedures and policies. In Plaintiff's

experience therefore, even if the disk is sent out to Plaintiff's counsel on the date promised, September 23, 2006, Plaintiff's counsel will not have access to the information for at least a week, or until about September 30, 2016.

Plaintiff therefore asks for leave until November 5, 2016 to serve defendant. Plaintiff will also update the Court upon receipt of the responses if the court so orders.

Respectfully submitted,

By: /s/ Jacqueline M. James
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Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2016, I electronically filed the foregoing document with the Clerk of the Court and all parties using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

By: /s/ Jacqueline M. James
Jacqueline M. James, Esq. (1845)